

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cr-10115

United States of America

v.

Kevin Vickers

**CLERK'S CERTIFICATE**

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 9/7/05.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on October 14, 2005.

Sarah A. Thornton, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 10/14/05.



Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: \_\_\_\_\_

APPEAL

**United States District Court  
District of Massachusetts (Boston)  
CRIMINAL DOCKET FOR CASE #: 1:04-cr-10115-RCL-ALL**

Case title: USA v. Gray et al

Date Filed: 04/08/2004

Assigned to: Judge Reginald  
C. Lindsay

**Defendant**

**Spencer Gray (1)**  
*TERMINATED: 05/02/2005*

represented by **Thomas J. Ford**  
141 Tremont Street  
Suite 400  
Boston, MA 02111  
617-542-6082  
Email:  
TFordAttorney@hotmail.com

*LEAD ATTORNEY  
ATTORNEY TO BE  
NOTICED  
Designation: CJA  
Appointment*

**Pending Counts**

21:841(a)(1) -  
DISTRIBUTION OF  
COCAINE BASE; 21:860(a)  
- PLAYGROUND ZONE  
VIOLATION; 18:2 -  
AIDING AND ABETTING  
(2-3)  
21:841(a)(1) -

**Disposition**

DISTRIBUTION OF  
COCAINE BASE; 18:2 -  
AIDING AND ABETTING  
(4)

21:841(a)(1) -  
DISTRIBUTION OF  
COCAINE BASE; 21:860(a)  
- PLAYGROUND ZONE  
VIOLATION; 18:2 -  
AIDING AND ABETTING  
(5)

21:841(a)(1) -  
DISTRIBUTION OF  
COCAINE BASE; 18:2 -  
AIDING AND ABETTING  
(6)

21:841(a)(1) -  
DISTRIBUTION OF  
COCAINE BASE; 21:860(a)  
- PLAYGROUND ZONE  
VIOLATION  
(7)

**Highest Offense Level**  
**(Opening)**

Felony

**Terminated Counts**

21:841(a)(1) Distribution of  
Cocaine Base; 21:860(a)  
Playground Zone Violation;  
18:2 Aiding and Abetting  
(2s-3s)

**Disposition**

57 months to be served on  
each count, concurrent with  
each other. Supervised  
Release for 6 years on each  
count, concurrent with each  
other, with Special  
Conditions. Total Special  
Assessment of \$600.00.

21:841(a)(1) Distribution of  
Cocaine Base; 18:2 Aiding  
and Abetting  
(4s)

57 months to be served,  
concurrent with Counts 2s  
and 3s. Supervised Release  
for 6 years, concurrent with  
Counts 2s and 3s, with  
Special Conditions.

21:841(a)(1) Distribution of  
Cocaine Base; 21:860(a)  
Playground Zone Violation  
18:2 Aiding and Abetting  
(5s)

57 months to be served,  
concurrent with Counts 2s, 3s  
and 4s. Supervised Release  
for 6 years, concurrent with  
Counts 2s, 3s, and 4s, with  
Special Conditions.

21:841(a)(1) Distribution of  
Cocaine Base; 18:2 Aiding  
and Abetting  
(6s)

57 months to be served,  
concurrent with Counts 2s,  
3s, 4s, and 5s. Supervised  
Release for 6 years,  
concurrent with Counts 2s,  
3s, 4s and 5s, with Special  
Conditions.

21:841(a)(1) Distribution of  
Cocaine Base; 21:860(a)  
Playground Zone Violation  
(7s)

57 months to be served,  
concurrent with Counts 2s,  
3s, 4s, 5s, and 6s. Supervised  
Release for 6 years,  
concurrent with Counts 2s,  
3s, 4s, 5s, and 6s, with  
Special Conditions.

**Highest Offense Level**  
**(Terminated)**

Felony

**Complaints**

None

**Disposition**

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Assigned to: Judge Reginald

C. Lindsay

**Defendant**

**Karl Lawrence Prescott (2)** represented by **George F. Gormley**

*TERMINATED: 02/22/2005*

655 Summer Street

Boston, MA 02210

617-478-2750

Fax: 617-478-2755

Email: gfgormley@aol.com

*LEAD ATTORNEY*

*ATTORNEY TO BE*

*NOTICED*

*Designation: CJA*

*Appointment*

**Pending Counts**

21:841(a)(1) -  
DISTRIBUTION OF  
COCAINE BASE; 21:860(a)  
- PLAYGROUND ZONE  
VIOLATION; 18:2 -  
AIDING AND ABETTING  
(5)

**Disposition**

The Court orders the defendant committed to the custody of the Bureau of Prisons for a term of 28 months. Upon release, the defendant is placed on supervised release for a term of 6 years with special condtions. The Court further imposes a special assessment of \$100.

**Highest Offense Level**  
**(Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level**  
**(Terminated)**

None

**Complaints**

None

**Disposition**

Assigned to: Judge Reginald  
C. Lindsay

**Defendant**

**Kevin Vickers (3)**  
*TERMINATED: 09/01/2005*  
*also known as*  
**Kelvin Vickers (3)**  
*TERMINATED: 09/01/2005*

represented by **James J. Cipoletta**  
Citizens Bank Building  
385 Broadway  
Suite 307  
Revere, MA 02151  
781-289-7777  
Fax: 781-289-9468  
Email:  
jcipoletta@post.harvard.edu  
*LEAD ATTORNEY*  
*ATTORNEY TO BE*  
*NOTICED*  
*Designation: CJA*  
*Appointment*

**Pending Counts**

21:(a)(1)DISTRIBUTION OF  
COCAINE BASE; 21:860(a)  
- PLAYGROUND ZONE  
VIOLATION  
(1)

**Disposition**

The Court orders the  
defendant committed to the  
custody of the Bureau of



21:841(a)(1) Distribution of  
Cocaine Base; 21:860(a)  
Playground Zone Violation  
(1s)

21:841(a)(1) -  
DISTRIBUTION OF  
COCAINE BASE; 21:860(a)  
- PLAYGROUND ZONE  
VIOLATION; 18:2 -  
AIDING AND ABETTING  
(2)

21:841(a)(1) Distribution of  
Cocaine Base; 21:860(a)  
Playground Zone Violation;  
18:2 Aiding and Abetting  
(2s)

**Highest Offense Level**  
**(Opening)**

Felony

**Terminated Counts**

None

**Highest Offense Level**  
**(Terminated)**

Prisons for a term of 84  
months. Upon release, the  
defendant is placed on  
supervised release for a term  
of 6 years with special  
conditions. The Court further  
imposes a special assessment  
of \$200.

The Court orders the  
defendant committed to the  
custody of the Bureau of  
Prisons for a term of 84  
months. Upon release, the  
defendant is placed on  
supervised release for a term  
of 6 years with special  
conditions. The Court further  
imposes a special assessment  
of \$200.

**Disposition**

None

**Complaints**

None

**Disposition**

**Plaintiff**

USA

represented by **Patrick M. Hamilton**

United States Attorney's  
Office

John Joseph Moakley Federal  
Courthouse

1 Courthouse Way

Suite 9200

Boston, MA 02210

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*LEAD ATTORNEY*

*ATTORNEY TO BE*

*NOTICED*

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*ATTORNEY TO BE*

*NOTICED*



Date Filed	#	Docket Text
04/08/2004	<u>1</u>	SEALED INDICTMENT as to Spencer Gray (1) count (s) 2-3, 4, 5, 6, 7, Karl Lawrence Prescott (2) count(s) 5, Kevin Vickers (3) count(s) 1, 2. (Catino3, Theresa) (Entered: 04/09/2004)
04/08/2004		Arrest Warrant Issued as to Spencer Gray, Karl Lawrence Prescott. (Catino3, Theresa) (Entered: 04/09/2004)
04/08/2004	<u>2</u>	Judge Reginald C. Lindsay : ORDER entered ORDER REFERRING CASE to Magistrate Judge Marianne B. Bowler Reason for referral: FOR PRETRIAL as to Spencer Gray, Karl Lawrence Prescott, Kevin Vickers (Catino3, Theresa) (Entered: 04/09/2004)
04/08/2004	<u>3</u>	MOTION to Seal Case as to Spencer Gray, Karl Lawrence Prescott, Kevin Vickers by USA. (Catino3, Theresa) (Entered: 04/09/2004)
04/08/2004		Judge Marianne B. Bowler : Electronic ORDER entered granting [3] Motion to Seal Case as to Spencer Gray (1), Karl Lawrence Prescott (2), Kevin Vickers (3) (Catino3, Theresa) (Entered: 04/09/2004)
04/14/2004	<u>4</u>	Arrest Warrant Issued as to Kevin Vickers. (Diskes, Sheila) (Entered: 04/14/2004)
04/14/2004	<u>15</u>	Arrest Warrant Returned Executed on 4/22/04. as to Kevin Vickers. (Stanhope, Don) Additional attachment(s) added on 7/19/2005 (Catino3, Theresa). (Entered: 04/27/2004)
04/15/2004	<u>5</u>	MOTION to Unseal Case as to Spencer Gray, Karl Lawrence Prescott, Kevin Vickers by USA. (Smith3, Dianne) (Entered: 04/15/2004)
04/15/2004		Judge Marianne B. Bowler : Endorsement on motion ORDER entered granting [5] Motion to Unseal Case as to Spencer Gray (1), Karl Lawrence Prescott (2),

		Kevin Vickers (3) (Smith3, Dianne) (Entered: 04/15/2004)
04/15/2004	●	electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler :Initial Appearance as to Spencer Gray, Karl Lawrence Prescott held on 4/15/2004; David Tobin for the Govt.;George Moriarty for Pretrial; Tom Ford for Deft.# 1 and assisting with Deft. #2 for this initial appearance; Defts. informed of the charges, rights and right to counsel;Defts. cannot afford counsel and complete financial affidavit; Court orders appointment of counsel and orders the appointment of attys. Ford and Gormley ( Atty. Gormley before D.J. Gertner); Defts. are sworn and are questioned by the court; Govt. moves for detention and continuance; Detention and arraignment set for April 22, 2004 at 2:30 PM; Defts. remanded to the custody of the U.S. Marshals. (Tape #digital.) (Saccoccio, Dianalynn) (Entered: 04/15/2004)
04/15/2004	●6	Writ of Habeas Corpus ad Prosequendum Issued as to Kevin Vickers for 4/22/04 at 11:30 AM to appear for an Initial Appearance in Courtroom# 25 before Magistrate Judge Marianne B. Bowler (Saccoccio, Dianalynn) (Entered: 04/15/2004)
04/15/2004	●7	CJA 23 Financial Affidavit by Spencer Gray (Saccoccio, Dianalynn) (Entered: 04/16/2004)
04/15/2004	●8	CJA 23 Financial Affidavit by Karl Lawrence Prescott (Saccoccio, Dianalynn) (Entered: 04/16/2004)
04/15/2004	●9	Judge Marianne B. Bowler : ORDER entered CJA 20 as to Kevin Vickers, Karl Lawrence Prescott : Appointment of Attorney George F. Gormley for Karl Lawrence Prescott. (Saccoccio, Dianalynn) (Entered: 04/22/2004)
04/15/2004	●10	Judge Marianne B. Bowler : ORDER entered CJA 20

		as to Spencer Gray : Appointment of Attorney Thomas J. Ford for Spencer Gray. (Saccoccio, Dianalynn) (Entered: 04/22/2004)
04/16/2004	●16	Arrest Warrant Returned Executed on 4/15/04. as to Spencer Gray. (Smith3, Dianne) (Entered: 04/28/2004)
04/16/2004	●17	Arrest Warrant Returned Executed on 4/15/04. as to Karl Lawrence Prescott. (Smith3, Dianne) (Entered: 04/28/2004)
04/22/2004	●	electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler :Arraignment as to Kevin Vickers (3) Count 1,2 held on 4/22/2004, Initial Appearance as to Kevin Vickers held on 4/22/2004; Peter Levitt for Patrick Hamilton for the Govt.; George Moriarty for Pretrial; James Cipoletta for the deft.; Deft. informed of charges, rights and right to counsel; Deft. completes financial affidavit and the court orders the appointment of Atty. Cipoletta; Deft. is sworn and questioned by the court;Govt. moves for detention; Court addresses I.A.D. issue as deft. is serving time at Suffolk House of Corrections; Deft. wishes to remain in state custody; Govt. to prepare waiver to have deft. and counsel sign; Deft. waives reading of the indictment in its entirety; Deft. pleads not guilty to all counts; Govt. anticipates 5 witnesses and the length of trial to be 3-4 days; Initial status conference set for June 3, 2004 at 10:15 AM; Deft. remanded to the custody of the U.S. Marshals to be returned to Suffolk House of Corrections. (Tape #digital.) (Saccoccio, Dianalynn) (Entered: 04/22/2004)
04/22/2004	●	electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler :Arraignment as to Spencer Gray (1) Count 2-3,4,5,6,7 and Karl Lawrence Prescott (2) Count 5 held on 4/22/2004, Detention Hearing as to Spencer Gray, Karl Lawrence Prescott



		held on 4/22/2004; David Tobin for the Govt.; Tom Ford and George Gormley for the defts.; Tom O'Brien for Pretrial; Govt. calls 1 witness and offers 3 exhibits; Atty. Ford does not cross examine witness; Atty. Gormley cross examines witness; Govt. moves for detention of both defendants; Atty. Ford requests a continuation for argument of detention and the deft. ( Gray) will consent to voluntary detention pending continued hearing; Atty. Gormley moves to have deft. ( Prescott) released to a third party custodian; Court takes matter of detention for deft. under advisement; Defts. waive the reading of the indictment in its entirety; Both defts. plead not guilty; The Govt. anticipates 8-10 witnesses and the approximate length of trial will be 4-5 days; Initial status conference set for June 3, 2004 at 10:15 AM; Defts. remanded to the custody of the U.S. Marshals. (Tape #digital.) (Saccoccio, Dianalynn) (Entered: 04/22/2004)
04/22/2004	●11 c	EXHIBIT/WITNESS LIST by USA, Karl Lawrence Prescott as to Spencer Gray, Karl Lawrence Prescott (Saccoccio, Dianalynn) (Entered: 04/22/2004)
04/22/2004	●12	CJA 23 Financial Affidavit by Kevin Vickers (Saccoccio, Dianalynn) (Entered: 04/23/2004)
04/22/2004	●13	Judge Marianne B. Bowler : ORDER entered CJA 20 as to Kevin Vickers : Appointment of Attorney James J. Cipoletta for Kevin Vickers. (Saccoccio, Dianalynn) (Entered: 04/23/2004)
04/22/2004	●14	Judge Marianne B. Bowler : ORDER entered ORDER OF VOLUNTARY DETENTION as to Spencer Gray (Saccoccio, Dianalynn) (Entered: 04/23/2004)
04/22/2004	●18	WAIVER of Rights Under Interstate Agreement on Detainers by Kevin Vickers - (Stanhope, Don) (Entered: 04/29/2004)
05/11/2004	●20	Government's MOTION for Protective Order as to

		Spencer Gray, Karl Lawrence Prescott, Kevin Vickers by USA. (Stanhope, Don) (Entered: 05/14/2004)
05/12/2004	●19	Judge Marianne B. Bowler : ORDER entered MEMORANDUM AND ORDER ON GOVERNMENT'S MOTION FOR DETENTION as to Karl Lawrence Prescott (Saccoccio, Dianalynn) (Entered: 05/12/2004)
05/18/2004	●21	Defendant, Karl Lawrence Prescott's, MOTION for Review, Revocation or Amendment of the Detention Order of May 12th, 2004. as to Karl Lawrence Prescott . (Stanhope, Don) (Entered: 05/20/2004)
06/01/2004	●	Judge Marianne B. Bowler : electronic ORDER entered granting <u>20</u> Motion for Protective Order as to Spencer Gray (1), Karl Lawrence Prescott (2), Kevin Vickers (3), there being no opposition. (Bowler, Marianne) (Entered: 06/01/2004)
06/01/2004	●22	Judge Marianne B. Bowler : PROTECTIVE ORDER entered as to Spencer Gray, Karl Lawrence Prescott, Kevin Vickers (Saccoccio, Dianalynn) (Entered: 06/07/2004)
06/03/2004	●	Electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler:Initial Status Conference as to Spencer Gray, Karl Lawrence Prescott, Kevin Vickers held on 6/3/2004. Mr. Peabody fills in for Mr. Hamilton. Mr. Gormley stands in for all defense counsel. The defense asks that the audio tapes be sent to the defendants at the prison under the local rules so that they can listen to them. The gov't has no objection and will do so. The final status conference is set for August 2nd, 2004 at 2:30 P.M. The AUSA shall file a motion (at the assent of the defense) to exclude the time from now until the final status conference. (Digital Recording.) (Affsa, Gina) (Entered: 06/03/2004)

06/04/2004	23	ASSENTED TO MOTION to Exclude Time Under the Speedy Trial ACT from 6/2/04 to 8/2/04 as to Spencer Gray, Karl Lawrence Prescott, Kevin Vickers by USA. (Stanhope, Don) (Entered: 06/07/2004)
06/14/2004		Judge Marianne B. Bowler : electronic ORDER entered granting <u>23</u> Motion to Exclude as to Spencer Gray (1), Karl Lawrence Prescott (2), Kevin Vickers (3) (Bowler, Marianne) (Entered: 06/14/2004)
06/17/2004		Set/Reset Hearings as to Spencer Gray : Detention Hearing set for 6/24/2004 02:45 PM in Courtroom 25 before Magistrate Judge Marianne B. Bowler. Hearing set pursuant to request of counsel for the defendant. (Saccoccio, Dianalynn) (Entered: 06/17/2004)
06/24/2004	24	Judge Marianne B. Bowler : ORDER entered ORDER Setting Conditions of Release as to Spencer Gray (1) 25,000 unsecured bond (Simeone, Maria) (Entered: 06/25/2004)
06/25/2004		electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler : Detention Hearing as to Spencer Gray held on 6/25/2004; Patrick Hamilton for govt; T. Ford for Deft; deft moves for release on conditions; Govt moves for detention; Court moves to release deft on conditions and \$25000 unsecured bond. please see order setting conditions of release for specific conditions. (Court Reporter digital.) (Simeone, Maria) (Entered: 06/25/2004)
08/02/2004		Electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler : Status Conference as to Spencer Gray, Karl Lawrence Prescott, Kevin Vickers held on 8/2/2004; Patrick Hamilton for the govt.; Thomas Ford, George Gormley and James Cipoletta for the defts.; Parties request additional time; Court sets further status for September 16, 2004 at 2:30 PM; Parties agree to exclude the time from today to September 16, 2004; Govt. to file an assented to



		motion to exclude the time. (Tape #Digital.) (Saccoccio, Dianalynn) (Entered: 08/02/2004)
08/03/2004	<u>25</u>	Letter from George F. Gormley as to Karl Lawrence Prescott. (Stanhope, Don) (Entered: 08/04/2004)
08/03/2004	<u>26</u>	Defendant, Karl Lawrence Prescott's MOTION for Review, Revocation or Amendment of the Detention Order of MAY 12th, 2004. as to Karl Lawrence Prescott . (Stanhope, Don) (Entered: 08/04/2004)
08/10/2004	<u>27</u>	Government's Assented to MOTION to Exclude Time as to Kevin Vickers, Spencer Gray, Karl Lawrence Prescott by USA. (Stanhope, Don) (Entered: 08/10/2004)
08/26/2004	<u>28</u>	NOTICE OF ATTORNEY APPEARANCE David G. Tobin appearing for USA. (Tobin, David) (Entered: 08/26/2004)
08/26/2004	<u>29</u>	Government's MOTION for Leave of Court to File Memorandum of Opposition Late. as to Karl Lawrence Prescott by USA. (Attachments: # <u>1</u> ) (Stanhope, Don) (Entered: 08/30/2004)
09/07/2004	●	Judge Marianne B. Bowler : electronic ORDER entered granting <u>27</u> Motion to Exclude as to Spencer Gray (1), Karl Lawrence Prescott (2), Kevin Vickers (3) (Bowler, Marianne) (Entered: 09/07/2004)
09/14/2004	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>29</u> Motion for Leave to File Memorandum in Opposition Late as to Karl Lawrence Prescott (2) (Hourihan, Lisa) (Entered: 09/14/2004)
09/14/2004	<u>30</u>	MEMORANDUM in Opposition by USA as to Karl Lawrence Prescott re <u>26</u> MOTION for Review, Revocation or amendment of the Detention Order (Hourihan, Lisa) (Entered: 09/14/2004)
09/14/2004	●	Judge Reginald C. Lindsay : ORDER entered re <u>26</u> Defendant, Karl Lawrence Prescott's MOTION for

		Review, Revocation or Amendment of the Detention Order of May 12th, 2004 as to Karl Lawrence Prescott. After review of the present motion, the detention order and the papers in favor of and opposing the motion, the court affirms the magistrate judge's order of detention. (Lindsay, Reginald) (Entered: 09/14/2004)
09/14/2004	●	Judge Reginald C. Lindsay : ORDER entered Motions terminated as to Karl Lawrence Prescott : <u>21</u> , <u>26</u> . (Lindsay, Reginald) (Entered: 09/14/2004)
09/16/2004	●	Electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler :Status Conference as to Spencer Gray, Karl Lawrence Prescott and Kevin Vickers held on 9/16/2004; David Tobin for the govt.; Thomas Ford, James Cipoletta and Christie Charles for the defts.; Counsel for deft. Gray will draft an order for the court as to a request for a pre-sentencing report from Probation; Parties request additional time; Govt. is amenable to the request; Further status set for November 2, 2004 at 2:30 PM; Parties agree to exclude the time from today to November 2, 2004 and the govt. will file the assented to motion. (Tape #Digital.) (Saccoccio, Dianalynn) (Entered: 09/16/2004)
09/20/2004	●31	Assented to MOTION to Exclude <i>Time</i> as to Spencer Gray, Karl Lawrence Prescott, Kevin Vickers by USA. (Tobin, David) (Entered: 09/20/2004)
09/21/2004	●	Judge Marianne B. Bowler: electronic ORDER entered granting <u>31</u> Motion to Exclude as to Spencer Gray (1), Karl Lawrence Prescott (2), Kevin Vickers (3) (Bowler, Marianne) (Entered: 09/21/2004)
09/21/2004	●32	Defendant's MOTION for a Pre-Plea Presentence Report as to Spencer Gray . (Stanhope, Don) (Entered: 09/22/2004)

09/28/2004	33	Defendant Karl Prescott's MOTION for a Pre-Plea Presentence Report as to Karl Lawrence Prescott . (Stanhope, Don) (Entered: 09/29/2004)
09/30/2004	34	Summons Issued as to Spencer Gray; Initial appearance for supervised release revocation proceedings set for October 6, 2004 at 3:00 PM. (Saccoccio, Dianalynn) (Entered: 10/01/2004)
10/06/2004		Electronic Clerk's Notes for proceedings held before Judge Marianne B. Bowler: Hearing of violation of pretrial supervised release as to Spencer Gray held on 10/6/2004; David Tobin for the govt.; Thomas Ford for the deft.; Joshua Ulrich for Pretrial Services; The govt. addresses the court concerning the violations as stated in the report from Pretrial Services; Counsel for the deft. also addresses the court as to the violations; The court addresses the deft.; Deft. to remain on pretrial release. (Tape #Digital.) (Saccoccio, Dianalynn) (Entered: 10/07/2004)
10/18/2004		Mail Returned as Undeliverable. Summons sent to Spencer Gray. (Stanhope, Don) (Entered: 10/22/2004)
10/28/2004	35	SUPERSEDING INDICTMENT as to Spencer Gray (1) count(s) 2s-3s, 4s, 5s, 6s, 7s, Kevin Vickers (3) count(s) 1s, 2s. (Gawlik, Cathy) (Entered: 10/29/2004)
10/29/2004	36	Judge Reginald C. Lindsay : ORDER entered ORDER REFERRING CASE to Magistrate Judge Marianne B. Bowler Reason for referral: Pretrial proceedings re: Superseding Indictment as to Spencer Gray, Karl Lawrence Prescott, Kevin Vickers (Gawlik, Cathy) (Entered: 10/29/2004)
11/01/2004		Set/Reset Hearings for Spencer Gray, Karl Lawrence Prescott and Kevin Vickers: Arraignment on the superseding indictment is set for 11/2/2004 at 2:30 PM in Courtroom 25 before Magistrate Judge Marianne B. Bowler: Further status conference is set for 11/2/2004

		at 2:30 PM in Courtroom 25 before Magistrate Marianne B. Bowler. (Saccoccio, Dianalynn) (Entered: 11/01/2004)
11/01/2004	<u>37</u>	Writ of Habeas Corpus ad Prosequendum Issued for Kevin Vickers for 11/2/2004 (Saccoccio, Dianalynn) (Entered: 11/02/2004)
11/02/2004	<u>38</u>	Assented to MOTION to Exclude <i>Time</i> as to Spencer Gray, Karl Lawrence Prescott, Kevin Vickers by USA. (Tobin, David) (Entered: 11/02/2004)
11/02/2004		Electronic Clerk's Notes for proceedings held before Magistrate Judge Marianne B. Bowler: Arraignment and further status conference for Spencer Gray (1) Counts 2s, 3s, 4s, 5s, 6s, 7s, Karl Lawrence Prescott (2) Count 5 and Kevin Vickers (3) Counts 1s and 2s held on 11/2/2004; David Tobin for the govt.; Thomas Ford, George Gormley and James Cipoletta for the defts.; Defts. waive the reading of the indictment in its entirety and plead not guilty to all counts; Counsel for the defts. will file motions to dismiss by 11/10/2004 and ask that the case be returned to the district court; All parties agree to exclude the time from today to 11/10/2004 and the govt. will file an assented to motion; The court will file a final status report forthwith to return the case to the district court. (Tape #Digital.) (Saccoccio, Dianalynn) (Entered: 11/03/2004)
11/03/2004		Judge Marianne B. Bowler: Electronic ORDER entered granting <u>38</u> Motion to Exclude as to Spencer Gray(1), Karl Lawrence Prescott(2) and Kevin Vickers (3). (Bowler, Marianne) (Entered: 11/03/2004)
11/03/2004	<u>39</u>	Magistrate Judge Marianne B. Bowler: ORDER entered: REPORT AND ORDER on Final Status Conference for Spencer Gray, Karl Lawrence Prescott and Kevin Vickers (Saccoccio, Dianalynn) (Entered: 11/03/2004)



11/03/2004	•	Judge update in case for Spencer Gray, Karl Lawrence Prescott and Kevin Vickers: Magistrate Judge Marianne B. Bowler no longer assigned to case. (Saccoccio, Dianalynn) (Entered: 11/03/2004)
11/03/2004	•	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>32</u> Motion for a Pre-Plea Presentence Report as to Spencer Gray (1); granting <u>33</u> Motion for a Pre-Plea Presentence Report as to Karl Lawrence Prescott (2) (Hourihan, Lisa) (Entered: 11/03/2004)
11/03/2004	•	Set/Reset Deadlines/Hearings as to Spencer Gray, Karl Lawrence Prescott : Status Conference set for 1/25/2005 02:30 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 11/03/2004)
11/04/2004	• <u>40</u>	Defendant's MOTION to Strike Surplusage from the Superseding Indictment. as to Karl Lawrence Prescott . (Stanhope, Don) (Entered: 11/08/2004)
11/04/2004	• <u>41</u>	MEMORANDUM of LAW in Support of <u>40</u> MOTION to Strike Surplusage from the Superseding Indictment. by Karl Lawrence Prescott (Stanhope, Don) (Entered: 11/08/2004)
11/04/2004	• <u>42</u>	MOTION to Dismiss the Indictment as to Karl Lawrence Prescott . (Stanhope, Don) (Entered: 11/09/2004)
11/10/2004	• <u>43</u>	MOTION to Strike Surplusage from Superceding Indictment. as to Kevin Vickers . (Stanhope, Don) (Entered: 11/12/2004)
11/10/2004	• <u>44</u>	Kevin Vickers' MOTION to Join Karl Prescott's Motion to Dismiss Indictment with Prejudice. as to Kevin Vickers . (Stanhope, Don) (Entered: 11/12/2004)
11/15/2004	• <u>45</u>	First MOTION to Dismiss <i>Indictment with Prejudice</i> as to Spencer Gray. (Ford, Thomas) (Entered: 11/15/2004)

		11/15/2004)
11/15/2004	46	First MOTION to Strike <i>Surplusage from Superseding Indictment</i> as to Spencer Gray. (Ford, Thomas) (Entered: 11/15/2004)
11/15/2004	47	MEMORANDUM in Support by Spencer Gray re 46 First MOTION to Strike <i>Surplusage from Superseding Indictment</i> (Ford, Thomas) (Entered: 11/15/2004)
11/15/2004	48	Assented to MOTION to Modify Conditions of Release as to Spencer Gray. (Ford, Thomas) (Entered: 11/15/2004)
11/17/2004	49	NOTICE OF HEARING as to Kevin Vickers Pretrial Conference set for 12/20/2004 02:30 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 11/17/2004)
11/22/2004		Judge Marianne B. Bowler: Electronic ORDER entered granting 48 Motion to Modify Conditions of Release as to Spencer Gray(1). (Bowler, Marianne) (Entered: 11/22/2004)
12/14/2004		Judge Reginald C. Lindsay : Electronic ORDER entered denying 43 Motion to Strike Surplusage From Superceding Indictment as to Kevin Vickers (3) (Stanhope, Don) (Entered: 12/15/2004)
12/14/2004		Judge Reginald C. Lindsay : Electronic ORDER entered granting 44 Motion to Join Karl Prescott's Motion to Dismiss Indictment with Prejudice. as to Kevin Vickers (3) (Stanhope, Don) (Entered: 12/15/2004)
12/14/2004		Judge Reginald C. Lindsay : Electronic ORDER entered denying 45 Motion to Dismiss the Indictment as to Spencer Gray (1); denying 46 Motion to Strike Surplusage From Superseding Indictment as to Spencer Gray (1) (Stanhope, Don) (Entered: 12/15/2004)



12/20/2004	●	Judge Reginald C. Lindsay : Electronic ORDER entered denying <u>40</u> Motion to Strike as to Karl Lawrence Prescott (2); denying <u>42</u> Motion to Dismiss as to Karl Lawrence Prescott (2) (Hourihan, Lisa) (Entered: 12/20/2004)
12/20/2004	●	Electronic Clerk's Notes for proceedings held before Judge Reginald C. Lindsay :Pretrial Conference as to Kevin Vickers held on 12/20/2004. Defendant requests a pre-plea PSR. Court allow request. Status Conference set for 1/25/2005 02:30 PM in Courtroom 11 before Judge Reginald C. Lindsay. Court excludes all time from 11/3/04 - 1/25/05.(Court Reporter D. Joyce.) (Hourihan, Lisa) (Entered: 12/21/2004)
12/21/2004	● <u>50</u>	Assented to MOTION to Exclude <i>Time</i> as to Spencer Gray, Karl Lawrence Prescott, Kevin Vickers by USA. (Tobin, David) (Entered: 12/21/2004)
12/21/2004	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>50</u> Motion to Exclude as to Spencer Gray (1), Karl Lawrence Prescott (2), Kevin Vickers (3) (Hourihan, Lisa) (Entered: 12/21/2004)
12/21/2004	●	Judge Reginald C. Lindsay : ORDER entered ORDER ON EXCLUDABLE DELAY as to Spencer Gray, Karl Lawrence Prescott, Kevin Vickers Time excluded from 11/3/04 until 1/25/05. (Hourihan, Lisa) (Entered: 12/21/2004)
01/25/2005	●	Electronic Clerk's Notes for proceedings held before Judge Reginald C. Lindsay :Status Conference as to Spencer Gray, Karl Lawrence Prescott, Kevin Vickers held on 1/25/2005. Counsel report that the PSR's are not completed and ask for a short continuance. Further status conference set for 3/8/05 at 2:30PM. (Court Reporter D. Joyce.) (Hourihan, Lisa) (Entered: 01/25/2005)
01/25/2005	●	Set/Reset Deadlines/Hearings as to Spencer Gray, Karl

		Lawrence Prescott, Kevin Vickers: Status Conference set for 3/8/2005 02:30 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 01/25/2005)
01/27/2005	51	MOTION to Exclude <i>Time</i> as to Spencer Gray, Karl Lawrence Prescott, Kevin Vickersby USA. (Tobin, David) (Entered: 01/27/2005)
01/31/2005		Judge Reginald C. Lindsay : Electronic ORDER entered granting 51 Motion to Exclude as to Spencer Gray (1), Karl Lawrence Prescott (2), Kevin Vickers (3) (Hourihan, Lisa) (Entered: 01/31/2005)
01/31/2005		Judge Reginald C. Lindsay : Electronic ORDER entered. ORDER ON EXCLUDABLE DELAY as to Spencer Gray, Karl Lawrence Prescott, Kevin Vickers Time excluded from 1/25/05 until 3/8/05. (Hourihan, Lisa) (Entered: 01/31/2005)
02/01/2005		Set/Reset Deadlines/Hearings as to Karl Lawrence Prescott: Plea and Sentence set for 2/7/2005 02:00 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 02/01/2005)
02/04/2005	52	SENTENCING MEMORANDUM by Karl Lawrence Prescott (Charles, Christie) (Entered: 02/04/2005)
02/07/2005		Electronic Clerk's Notes for proceedings held before Judge Reginald C. Lindsay :Change of Plea Hearing as to Karl Lawrence Prescott held on 2/7/2005. Defendant retracts previous plea of not guilty and enters plea of guilty to Count 5 of the Superseding Indictment. Court finds factual basis, the plea is accepted and entered by Karl Lawrence Prescott (2) Guilty Count 5. (Court Reporter D. Joyce.) (Hourihan, Lisa) (Entered: 02/08/2005)
02/07/2005		Electronic Clerk's Notes for proceedings held before Judge Reginald C. Lindsay :Sentencing held on 2/7/2005 for Karl Lawrence Prescott (2), Count(s) 5,

		The Court orders the defendant committed to the custody of the Bureau of Prisons for a term of 28 months. Upon release, the defendant is placed on supervised release for a term of 6 years with special conditions. The Court further imposes a special assessment of \$100. (Court Reporter D. Joyce.) (Hourihan, Lisa) (Entered: 02/08/2005)
02/22/2005	53	Judge Reginald C. Lindsay : ORDER entered. JUDGMENT as to Karl Lawrence Prescott (2), Count (s) 5, The Court orders the defendant committed to the custody of the Bureau of Prisons for a term of 28 months. Upon release, the defendant is placed on supervised release for a term of 6 years with special conditions. The Court further imposes a special assessment of \$100. (Hourihan, Lisa) (Entered: 02/24/2005)
02/22/2005	54	Judge Reginald C. Lindsay : ORDER entered. STATEMENT OF REASONS as to Karl Lawrence Prescott (Attachments: # 1 # 2) (Hourihan, Lisa) (Entered: 02/24/2005)
03/08/2005		Electronic Clerk's Notes for proceedings held before Judge Reginald C. Lindsay :Status Conference as to Spencer Gray, Kevin Vickers held on 3/8/2005. Spencer to enter a change of plea and be sentenced on 3/31/05 at 2:30PM. Further status conference as to Vickers set for 3/31/05 at 2:30PM. All time excluded until 3/31/05. (Court Reporter D. Joyce.) (Hourihan, Lisa) (Entered: 03/09/2005)
03/08/2005		Set/Reset Deadlines/Hearings as to Kevin Vickers: Status Conference set for 3/31/2005 02:30 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 03/09/2005)
03/08/2005		Set/Reset Deadlines/Hearings as to Spencer Gray: Plea and Sentence set for 3/31/2005 02:30 PM in Courtroom 11 before Judge Reginald C. Lindsay.



		ANY WRITTEN PLEA AGREEMENT TO BE FILE THREE BUSINESS DAYS BEFORE THE CHANGE OF PLEA HEARING. (Hourihan, Lisa) (Entered: 03/09/2005)
03/08/2005	•	Judge Reginald C. Lindsay : Electronic ORDER entered. ORDER ON EXCLUDABLE DELAY as to Spencer Gray, Kevin Vickers Time excluded from 3/8/05 until 3/31/05. (Hourihan, Lisa) (Entered: 03/09/2005)
03/30/2005	55 •	Writ of Habeas Corpus ad Prosequendum Issued as to Kevin Vickers for 3/31/05 (Hourihan, Lisa) (Entered: 03/31/2005)
03/31/2005	•	Set/Reset Deadlines/Hearings as to Kevin Vickers: Status Conference reset for 4/6/2005 09:00 AM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 03/31/2005)
03/31/2005	•	Set/Reset Deadlines/Hearings as to Spencer Gray: Change of Plea Hearing reset for 4/4/2005 09:00 AM in Courtroom 11 before Judge Reginald C. Lindsay. Sentencing reset for 4/4/2005 09:00 AM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 03/31/2005)
03/31/2005	•	Set/Reset Deadlines/Hearings as to Spencer Gray: Change of Plea Hearing RESET for 4/6/2005 09:00 AM in Courtroom 11 before Judge Reginald C. Lindsay. Sentencing RESET for 4/6/2005 09:00 AM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 03/31/2005)
04/06/2005	•	Electronic Clerk's Notes for proceedings held before Judge Reginald C. Lindsay :Status Conference as to Kevin Vickers held on 4/6/2005. Plea and sentencing set for 5/18/05 at 2:30PM (Court Reporter D. Joyce.) (Hourihan, Lisa) (Entered: 04/06/2005)
04/06/2005	•	Set/Reset Deadlines/Hearings as to Kevin Vickers:

		Plea and Sentence set for 5/18/2005 02:30 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 04/06/2005)
04/06/2005	●	Electronic Clerk's Notes for proceedings held before Judge Reginald C. Lindsay :Change of Plea Hearing as to Spencer Gray held on 4/6/2005. Defendant retracts previous plea of not guilty and enters plea of guilty to counts 2s-7s of the Superseding Indictment. Court finds factual basis, the plea is accepted and entered by Spencer Gray (1) Guilty Count 2s-3s,4s,5s,6s,7s. Sentencing set for 4/12/2005 11:30 AM in Courtroom 11 before Judge Reginald C. Lindsay. Defendant remanded to the custody of the US Marshal(Court Reporter D. Joyce.) (Hourihan, Lisa) (Entered: 04/06/2005)
04/06/2005	● 56	Release Status Letter as to Spencer Gray (Stanhope, Don) (Entered: 04/08/2005)
04/12/2005	●	Electronic Clerk's Notes for proceedings held before Judge Reginald C. Lindsay :Sentencing held on 4/12/2005 for Spencer Gray (1). AUSA Tobin present for the Govt. Atty. Ford present for the deft. Kelly Foster, USPO, present for the Probation Dept. After hearing, Court adopts PSR and finds that the defendant did not meet Criterion 5 of the USSG and therefore the Total Offense Level is 25, with Criminal History Category I. Count(s) 2s-3s, 57 months to be served on each count, concurrent with each other. Supervised Release for 6 years on each count, concurrent with each other, with Special Conditions. Total Special Assessment of \$600.00; Count(s) 4s, 57 months to be served, concurrent with Counts 2s and 3s. Supervised Release for 6 years, concurrent with Counts 2s and 3s, with Special Conditions; Count(s) 5s, 57 months to be served, concurrent with Counts 2s, 3s and 4s. Supervised Release for 6 years, concurrent with Counts 2s, 3s, and 4s, with Special Conditions; Count

		(s) 6s, 57 months to be served, concurrent with Counts 2s, 3s, 4s, and 5s. Supervised Release for 6 years, concurrent with Counts 2s, 3s, 4s and 5s, with Special Conditions; Count(s) 7s, 57 months to be served, concurrent with Counts 2s, 3s, 4s, 5s, and 6s. Supervised Release for 6 years, concurrent with Counts 2s, 3s, 4s, 5s, and 6s, with Special Conditions. Defendant notified of his right to appeal by the Court. Court makes judicial recommendation to the BOP that defendant be allowed to participate in the BOP's 500-hour comprehensive drug treatment program. Adjourn 12:30 P.M. (Court Reporter Debra Joyce.) (Johnson, Mary) . (Entered: 04/13/2005)
04/18/2005	57	Memorandum in Support of Compensation in Excess of Statutory Maximum as to Spencer Gray (Stanhope, Don) (Entered: 04/19/2005)
05/02/2005	58	Judge Reginald C. Lindsay : ORDER entered. JUDGMENT as to Spencer Gray (1), Count(s) 2s, 3s, 4s, 5s, 6s, and 7s, 57 months to be served on each count, concurrent with each other. Supervised Release for 6 years on each count, concurrent with each other, with Special Conditions. Total Special Assessment of \$600.00. (Hourihan, Lisa) Additional attachment(s) added on 7/19/2005 (Catino, Theresa). (Entered: 05/03/2005)
05/02/2005	59	Judge Reginald C. Lindsay : ORDER entered. STATEMENT OF REASONS as to Spencer Gray (Hourihan, Lisa) (Entered: 05/03/2005)
05/17/2005	60	Writ of Habeas Corpus ad Prosequendum Issued as to Kevin Vickers for 5/18/05 (Hourihan, Lisa) (Entered: 05/17/2005)
05/19/2005		Set/Reset Hearings as to Kevin Vickers: Plea and Sentence set for 6/28/2005 03:00 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 05/19/2005)



06/01/2005	61	Judgment Returned Executed as to Karl Lawrence Prescott on 5/10/05. (Nici, Richard) (Entered: 06/02/2005)
06/16/2005	60	Set/Reset Hearings as to Kevin Vickers: Change of Plea Hearing set for 8/24/2005 02:30 PM in Courtroom 11 before Judge Reginald C. Lindsay. Sentencing set for 8/24/2005 02:30 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 06/16/2005)
08/20/2005	62	SENTENCING MEMORANDUM by Kevin Vickers (Cipoletta, James) (Entered: 08/20/2005)
08/22/2005	63	Writ of Habeas Corpus ad Prosequendum Issued as to Kevin Vickers for 8/24/05 (Hourihan, Lisa) (Entered: 08/22/2005)
08/24/2005	64	MOTION to Continue <i>Sentencing</i> as to Kevin Vickers by USA. (Tobin, David) (Entered: 08/24/2005)
08/24/2005	65	Electronic Clerk's Notes for proceedings held before Judge Reginald C. Lindsay :Change of Plea Hearing as to Kevin Vickers held on 8/24/2005. Defendant retracts previous plea of not guilty and enters plea of guilty to Counts 1s and 2s of the Superseding Indictment. Court finds factual basis, the plea is accepted and entered by Kevin Vickers (3) Guilty Count 1s,2s. (Court Reporter D. Joyce.) (Hourihan, Lisa) (Entered: 08/24/2005)
08/24/2005	66	Electronic Clerk's Notes for proceedings held before Judge Reginald C. Lindsay :Sentencing held on 8/24/2005 for Kevin Vickers (3), Count(s) 1s, 2s, The Court orders the defendant committed to the custody of the Bureau of Prisons for a term of 84 months. Upon release, the defendant is placed on supervised release for a term of 6 years with special conditions. The Court further imposes a special assessment of \$200. (Court Reporter D. Joyce.) (Hourihan, Lisa)

		(Entered: 09/06/2005)
09/01/2005	65	Judge Reginald C. Lindsay : ORDER entered. JUDGMENT as to Kevin Vickers (3), Count(s) 1s, 2s, The Court orders the defendant committed to the custody of the Bureau of Prisons for a term of 84 months. Upon release, the defendant is placed on supervised release for a term of 6 years with special conditions. The Court further imposes a special assessment of \$200. (Hourihan, Lisa) (Entered: 09/06/2005)
09/01/2005	66	Judge Reginald C. Lindsay : ORDER entered. STATEMENT OF REASONS as to Kevin Vickers (Attachments: # 1) (Hourihan, Lisa) (Entered: 09/06/2005)
09/07/2005	67	NOTICE OF APPEAL by Kevin Vickers re 65 Judgment, Filing fee \$ 255. Reason fee is not required: Indigent -CJA NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 9/27/2005. (Cipoletta, James) (Entered: 09/07/2005)